

<b>Subject:</b>	<b>The Future of Secondary School Places in Brighton and Hove</b>		
<b>Date of Meeting:</b>	<b>14 June 2021</b>		
<b>Report of:</b>	<b>Executive Director Families, Children and Learning</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Richard Barker</b>	<b>Tel: 01273 290732</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The report considers the future projection of secondary aged pupils needing places in the city's schools and compares this to the number of places currently available.
- 1.2 The report proposes that a pre-consultation engagement activity is undertaken to consider what proposals should be put forward in a future formal public consultation regarding the admission arrangements for the city's secondary schools.
- 1.3 The council is actively seeking to develop a strong consensus across the city about what action should be taken.

**2. RECOMMENDATIONS:**

- 2.1 That the committee note the secondary school pupil forecasts from September 2022 – September 2031 detailed in Appendix 1 and recognise that from September 2028 – September 2031 these are illustrative and not calculated using a recognised methodology as detailed in a [previous committee report](#).
- 2.2 That the committee approve the recommendation to undertake a pre-consultation engagement between 21 June 2021 and 18 July 2021 including 8 public events held remotely in order to ensure early community involvement and a survey hosted on the council's [Have Your Say](#) portal.
- 2.3 That the committee note that the responses will be used to inform future discussions about the admission arrangements for secondary schools which will be subject to public consultation.

**3. CONTEXT/ BACKGROUND INFORMATION**

**September 2022**

- 3.1 This report is concerned with the medium to long term provision of school places in the city. However, it is accepted that there will be questions about the

allocation of secondary school places in September 2022 following on from the allocation of place this year.

3.2 There are 2560 school places in the city's secondary schools for September 2022. The current forecast of secondary school places needed (see Appendix 1) is 2431. Therefore, the council can meet its statutory responsibility to ensure all children who require a school place have one available to them. The surplus capacity is 5% and the council works towards a surplus capacity range of 5%-10%.

3.3 The following catchment areas are expected to have more pupils than places available:

- Varndean/Dorothy Stringer Schools – 651 pupils for 630 places
- Patcham High School – 237 pupils for 225 places

As detailed in the information booklet to parents, the council does not guarantee that catchment area children will be offered a place at their catchment school(s). At this point no capital works are planned to address this shortfall of places for children living in the catchment area.

3.4 Parents are encouraged to use their three preferences in an informed way. Following feedback received after National Offer Day 2021 the council will be reviewing its communication to make it more clear to parents.

It is not until December 2021 that the council will be aware of the general implications of parent's patterns or preference, the expected allocations to King's School and Cardinal Newman Catholic School as well as applications made by families resident in Brighton and Hove to schools in East Sussex and West Sussex. As a result, the need to consider admitting pupils above the PAN of the catchment school(s) will need to await until analysis of this information has concluded. Currently there are no plans to consider additional places at any of these three schools.

### **September 2023**

3.6 Admission arrangements for pupils who will start school in September 2023 will not be determined by the council until January 2022. It is anticipated that a public consultation will be held in the autumn 2021 to consider any proposed changes to existing arrangements. Under the School Admissions Code a consultation cannot start until 1 October 2021 and arrangements must be determined by 28 February 2022.

3.7 There are 2560 school places in the city's secondary schools for September 2023. The current forecast of secondary school places needed is 2436. The surplus capacity is expected to remain at 5%. Therefore, the council can meet its statutory responsibility to ensure all children who require a school place have one available to them.

3.8 The council's current forecast of pupil numbers shows that PACA will have 9 children living in the catchment area more than places available. This is the only catchment area which is expected to be oversubscribed with pupils from within its

catchment area. The council's pupil forecasts are updated once a year in late autumn and therefore this will be kept under review prior to the determination of admission arrangements in January 2022.

### Longer term planning – forecast numbers

- 3.9 The council's place planning methodology allows us to predict the demand for school places until September 2027. The table below shows the anticipated reduction in the numbers of children requiring places. Between 2022 and 2027 the number of places required is expected to reduce by 165 pupils.

Year	Forecast Pupil Numbers	Surplus Places	%
2022	2431	129	5%
2023	2436	124	5%
2024	2358	202	8%
2025	2360	200	8%
2026	2356	204	8%
2027	2266	294	11%

- 3.10 The council has also extrapolated the forecast data for children who have not yet started primary school to provide an indication of anticipated demand for secondary school places until September 2031. It is important to make clear that the methodology used has not been reviewed for this purpose and therefore the information must be considered with a certain amount of caution. Nevertheless, it indicates how the current trend of reducing primary school children will affect secondary schools in the medium to long term.
- 3.11 The table below shows the percentage of surplus places that will be in each catchment area between 2028 and 2031 as well as the surplus amount of places across the city. The number of catchment areas exceeding the suggested range of 5% - 10% surplus places are:

2028 – 4 catchment areas  
 2029 – 4 catchment areas  
 2030 – 6 catchment areas  
 2031 – 6 catchment areas

Catchment area	2028		2029		2030		2031	
	Surplus places	% of surplus						
PACA	36	16%	43	20%	37	16%	77	35%
B Mill/H Park	-18	0%	33	6%	68	13%	97	19%
PHS	43	19%	53	24%	99	44%	107	48%
DS/V	13	2%	26	4%	78	12%	87	14%
BACA	24	13%	61	34%	59	33%	59	33%
Longhill High School	53	20%	107	40%	98	36%	121	45%
Citywide	199	8%	372	14%	487	19%	597	23%

3.12 In the following catchment areas and years there will be fewer than 180 pupils in these catchment areas. Whilst it is dependent upon several factors, the council consider that a secondary school's viability would be compromised if cohort numbers were below 180 pupils. Other issues associated with timetabling and curriculum delivery may mean that schools consider a minimum PAN would need to be higher than this figure but this will be dependent on individual school circumstances. The table below shows the schools and years where that is expected to be the case.

Catchment area	Year and estimated pupil numbers								
	2023	2024	2025	2026	2027	2028	2029	2030	2031
<b>PACA</b>					177		177		143
<b>PHS</b>							172	126	118
<b>BACA</b>	137	128	146	136	145	156	119	121	121
<b>Longhill</b>							163	172	149

3.13 It can be expected that whilst we are entering a period of falling birth rates this will change in 15-20 years' time as the demographic factors change. As a result, the council needs to consider that the secondary school accommodation we currently have will be needed again in future years but only after a period of redundancy. Therefore, it is not intended that any school site will be disposed of or permanently re-purposed.

### **Impact of new homes**

3.14 The effect of new housing developments in the city is small compared to the impact of changing birth rates. 10,760 units of accommodation are to be delivered by 2030. Based on previous experience this would generate an additional 856 secondary age pupils by 2030. If the pupils were generated evenly over the next 10 years, we would only expect an additional 18 secondary age pupils per year group across the whole city.

### **Toads Hole Valley**

3.15 Within the current development plans for Toads Hole Valley an area of 5 hectares is reserved for a six form-entry secondary school for ages 11-18, or a through school, in order to meet identified needs. This proposal has been identified for a significant number of years and ensured that the city had access to a suitable site for any long term need for additional school places. The site is allocated under policy DA7 of City Plan Part One which covers a period up until 2030. A review of this Plan is due to be commenced next year, and the current forecast of future pupil numbers could have an implication on the future designation of this site within the City Plan.

### **Longer term planning – impact of falling pupil numbers**

3.16 Most school funding is determined by pupil numbers. Therefore, the fewer pupils in a school the less funding they will receive. Whilst approximately 80% of school budgets will be spent on staffing costs and fewer staff will be required to teach fewer children there will be a minimum level of staffing and equipment that any school will be required to employ to ensure that a varied and rich curriculum is

available to all pupils. This is also achieved through supporting the city's family of schools as a whole and wherever possible avoiding actions that have a detrimental impact on other schools.

- 3.17 School budgets are determined each year and falling pupil numbers over a period of years will require schools to potentially make annual adjustments in staffing although there will be a certain amount of staff turnover each year. However, there will be more uncertainty for schools affected by reducing pupil numbers over several years as they adapt to the varying numbers of children offered places at their school.
- 3.18 Where schools do not fill all their places from within the catchment area it will mean that children will be able to attend the school from outside the catchment area. This would then have a knock-on, negative impact on the child's actual catchment area school. Whilst this will ensure that parental preference is maximised it will place a further burden on schools where families seek to place them in a school in a different catchment area.
- 3.19 Currently the oversubscription criteria for the council's admission arrangements is random allocation. Therefore, ensuring that all children have an equal chance of obtaining a place at the school. When a school fills from children who are outside of the catchment area this will mean that children could gain a place from anywhere else in the city. The council could use a distance measurement to ensure that children who lived outside of the catchment area were prioritised for a place based on how close they were to the school.

#### **Longer term planning – who can determine what?**

- 3.20 The council is the admission authority for 6 of the 10 secondary schools in the city. This means it is the council that determines the admission arrangements including the school's Published Admission Number (PAN), the number of children who will be admitted into each year group, and the catchment area for the schools.
- 3.21 The remaining schools: PACA, King's School, Cardinal Newman Catholic School and BACA determine their own admission arrangements. For the purpose of the forecasting of pupil numbers it has been assumed that there is no change in the PAN of any school. The Council will continue to engage with all admission authorities in the city as we seek to develop a common approach to the problems presented by fewer pupils needing school places.
- 3.22 Similarly, the council has determined catchment areas for 8 schools other than King's School and CNCS that admit pupils from across the city and in the case of CNCS beyond the city. For the forecasting of pupil numbers, it has been assumed that there is no change in the catchment areas of any schools. However, both PACA and BACA could decide to amend their catchment areas or remove them entirely.
- 3.23 It would be in the gift of the 4 schools who are their own admission authority to amend either their PAN or catchment area (where relevant) under their own volition. PACA have recently undertaken a consultation to amend their admissions arrangements for September 2022.

- 3.24 Under the School Admission Code, changes to admission arrangements must be consulted upon, unless own admission authorities are increasing their PAN. Objections to arrangements can be raised to the independent Schools Adjudicator if it is considered that arrangements are unlawful, or not in compliance with the Code or relevant law relating to admissions.
- 3.25 The school admission code allows the governing bodies of community schools to object to the Schools Adjudicator if the PAN set for them is lower than they would wish. The Code is clear that there is a strong presumption in favour of an increase to the PAN to which the Schools Adjudicator must have regard when considering any such objection.
- 3.26 Therefore, whilst the council can propose to make changes to admission arrangements relating to secondary school places not everything is in the gift of the council to be implemented because where changes are determined governing bodies can object to those decisions.
- 3.27 The Schools Adjudicator has recently responded to objections raised by governing bodies of some primary schools in the city following the setting of admission arrangements for September 2022. In their determinations there is clear evidence of what factors the Adjudicator will have regard to in reviewing future admission arrangements including the primacy of parental preference and the need to provide strong evidence demonstrating the likely risk of closure of another, undersubscribed, school if there are too many surplus places in the city.
- 3.28 As a result of this the council is actively seeking to develop a strong consensus across the city about what action should be taken and reduce the likelihood of a governing body or parent of a prospective pupil objecting to the admission arrangements set that address this issue.
- 3.29 A dialogue has already started with secondary school Headteachers to explore on a school by school basis the issues from their perspective and this will develop into more collective discussions as a group and with the inclusion of governing bodies.
- 3.30 By also seeking the views of residents as part of a non-committal pre-consultation engagement activity it is hoped that the results will further inform the discussion with Governing Boards, Trusts, Dioceses and other interested parties.

### **Longer term planning – what do we want to know?**

- 3.31 The council wants to understand what residents think the key areas are to consider when reviewing ways to address the impact of fewer children needing secondary school places.
- 3.32 At this stage the council is not putting forward any proposals as to how admission arrangements can be changed. It is expected that after this engagement activity that results will assist in proposals being developed that can then be consulted upon. The council wants to understand the importance residents place on various elements that impact on secondary school place planning.

- 3.33 In broad terms the council wants to know if it's more important to allow parents every opportunity to maximise the prospect to attend a school that they want or if it is important to ensure children attend a local school to where they live. It will be interesting to know if residents think that the catchment areas should be adjusted, and the council also wants to know what other factors should be taken into consideration. It will also be helpful to know what additional information may be needed to better inform a future public consultation.
- 3.34 The results of this engagement activity will not automatically determine the proposals that are consulted upon in future years but will inform the discussion that takes place with secondary school governing bodies and within the cross-party school organisation working group.
- 3.35 The engagement activity will run for a minimum of 4 weeks and in addition to the consultation being hosted on the Council's 'have your say' portal there will be a number of public video conference events to outline the issues in more detail and answer any questions that come up.
- 3.36 It is proposed that the engagement activity (to be held in advance of any formal public consultation on any changes) starts on Monday 21 June 2021 and runs until the 18 July 2021. Public events, via Microsoft Teams, will be held on the following dates and times:
- Wednesday 23 June 2021 – 10am
  - Thursday 24 June 2021 – 6pm
  - Tuesday 29 June – 2pm
  - Wednesday 30 June – 6pm
  - Thursday 1 July - 10am
  - Tuesday 6 July – 10 am
  - Tuesday 6 July – 2pm
  - Wednesday 7 July – 6pm

#### **4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 This report seeks approval for a pre-consultation engagement activity to inform future decision making that will be subject to a formal public consultation. The council is not obliged to undertake this activity but believes it is a rational and reasonable approach to obtain responses that will inform future proposals.

#### **5 COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 This report seeks approval for a pre-consultation engagement activity. With on-going uncertainties regarding the response to Covid-19 it is proposed that the accompanying public events held in addition to the consultation response form will be virtual meetings via Microsoft Teams.
- 5.2 The responses received will inform the development of future proposals and the timing of any future public consultation.
- 5.3 All schools and nurseries will be informed of the engagement activity and will be asked to make parents aware of the events and how to participate.

## **6. CONCLUSION**

- 6.1 The council is aware that in future years there will be an increase in the number of surplus secondary school places in the city. This will affect schools differently based upon the number of children forecast to be in the catchment area for each school.
- 6.2 A rise in surplus places could have a negative impact on schools in the city who will need to manage varying pupil numbers and the associated impact on school finances and staffing levels.
- 6.3 Recent determinations by the Schools Adjudicator demonstrate the need to carefully consider the provision in the School Admissions Code which states, 'there is a strong presumption in favour of an increase in the PAN' should a school object to a decrease in their PAN when there are strong patterns of parental preference for that school.
- 6.4 As a result, the council is proposing to undertake a 4-week pre-consultation engagement activity to help inform the development of proposals to address this issue, that will be formally consulted upon in due course.
- 6.5 It is proposed that in addition to a consultation response form hosted on the council's 'have your say' portal a series of eight public events are held over the duration of the event to provide an opportunity to discuss the issue in more detail and help respondents complete their replies.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The vast majority of school revenue funding is driven by pupil numbers. For the 2021/22 financial year, over 95% of the formula budget for secondary schools and academies in the city is generated through pupil-led funding factors.
- 7.2 Clearly reductions in pupil numbers will impact on individual school funding levels. School budgets are determined annually and falling pupil numbers over a period of years will require schools to plan ahead on a multi-year basis to make adjustments to workforce levels in line with changes to pupil numbers and funding levels.

*Finance Officer Consulted: Steve Williams*

*Date: 10/05/2021*

### Legal Implications:

- 7.3 Local Authorities are under a statutory duty to have sufficient school places available in their area (section 14 Education Act 1996). Section 14A requires them to consider parental representations as to the exercise of the section 14 power.

- 7.4 The School Standards and Framework Act 1998 and School Admissions Code 2014 set out the statutory framework that Local Authorities must follow when consulting and determining school admission arrangements. This proposed pre consultation engagement activity will not form part of this statutory process. Instead it will seek to inform the proposals which the Council will put out for statutory consultation in the future.

*Lawyer Consulted:*

*Serena Kynaston*

*Date: 10/05/2021*

Equalities Implications:

- 7.5 An Equality Impact Assessment has not been undertaken for this report. The report is seeking permission to undertake a pre-consultation engagement activity. Residents will be able to contribute to this activity in several ways to facilitate those without internet access or IT skills to contribute.
- 7.6 Responses will be analysed to take consideration of the characteristics of respondents and where they state they are living.

Sustainability Implications:

- 7.7 There are no sustainability implications because of this report. Pre-consultation engagement events will be held remotely to avoid unnecessary travel and to mitigate for any Covid restrictions in place.
- 7.8 The response form will include questions on the views of residents about the consideration that needs to be made regarding travel to school. These responses will inform any future public consultation on proposals the council puts forward.

Brexit Implications:

- 7.9 There are no Brexit implications in relation to this report.

Any Other Significant Implications:

None

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Secondary School Pupil Forecasts 2022- 2031

